

2. Amendments to the Drawing Figures:

The attached drawing sheet includes proposed changes to FIG. 2D, and replaces the original sheet including FIG. 2D. More particularly, FIG. 2D has been amended to include reference number "14."

This change does not introduce new matter. Accordingly, an indication of approval of the newly submitted drawing is respectfully requested.

Attachment: Replacement Sheet

3. Remarks/Discussion of Issues

Claim Summary

By this Amendment, claims 1, 4, 8, 9, 12 and 13 have been amended to correct informalities in the claim language and to more clearly define the invention, as discussed below. Further, claims 24-28 have been submitted for the Examiner's consideration. Withdrawn claims 16-21 have been canceled, without prejudice and without disclaimer of the subject matter.

Claims 1-15 and 22-28 are pending in the application. Applicants respectfully submit that all pending claims are in condition for allowance.

Drawings

The Examiner objected to FIGs. 2C and 2D, asserting that reference number 14 is not shown. *See Office Action*, p. 2. In support, the Examiner references page 8, lines 18-19 of the specification, which state that "each crossover 14 is surrounded by a separate structure 17, as illustrated in Figs. 2C and 2D."

However, Applicants respectfully submit the FIG. 2C properly does not include reference number 14, since reference number 14 indicates a "crossover," which is not formed until the electrically conductive layer 18 has been applied, as shown in FIG. 2D. Further, the portion of the cited by the Examiner refers to the "structure 17" being illustrated in Figs. 2C and 2D. Accordingly, Applicants have added the reference number 14 only to FIG. 2D. No new matter has been introduced in the application by this amendment.

Accordingly, an indication of approval of the drawings, including the newly submitted drawing, is respectfully requested.

Objection to the Specification

The Examiner objected to the specification for not including various section headings. *See Office Action*, p. 3. Although Applicants thank the Examiner for providing information about the recommended section headings, Applicants respectfully decline to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under

35 USC § 111(a), but per 37 CFR § 1.51(d) are only guidelines that are suggested for Applicants' use. See "Miscellaneous Changes in Patent Practice, Response to comments 17 and 18" (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77"). See also MPEP § 608.01(a).

35 U.S.C. § 102 Rejections

The Office Action of July 31, 2008, rejects claims 1, 3, 4, 7, 8, 22 and 23 under 35 U.S.C. § 102(b) as being anticipated by VICKERS (U.S. Patent No. 6,414,249). Further, the Office Action of July 31, 2008, rejects claims 1-6 and 22-23 under 35 U.S.C. § 102(e) as being anticipated by CHUMAN et al. (U.S. Patent No. 6,787,992). Applicants respectfully traverse the rejection because neither VICKERS nor CHUMAN et al. discloses each and every element of these claims.

Applicants rely at least on the following standards with regard to proper rejections under 35 U.S.C. § 102. Notably, anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. See, e.g., *In re Paulsen*, 30 F.3d 1475, 31 USPQ2d 1671 (Fed. Cir. 1994); *In re Spada*, 911 F.2d 705, 15 USPQ2d 1655 (Fed. Cir. 1990); *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). Alternatively, anticipation requires that each and every element of the claimed invention be embodied in a single prior art device or practice. See, e.g., *Minnesota Min. & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. See, e.g., *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Applicants' silence on certain aspects of the rejection is by no means a concession as to their propriety. Rather, because the applied art fails to disclose at least one feature of the claims, for at least the reasons discussed below, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Claim 1

Independent claim 1 recites, in part:

“... a first connecting line electrically connected to said electrode, said first connecting line bridging a second connecting line by a crossover, wherein at least a portion of a perimeter of the crossover is bounded by an electrically insulating structure, insulating the crossover from at least one other crossover.”

Neither VICKERS nor CHUMAN et al. discloses at least these features.

With respect to VICKERS, the Office Action asserts that anode stripes 50 of VICKERS disclose an “electrode,” that the green anode stripe 50_G discloses a “first connecting line,” and that the red anode stripe 50_R discloses a “second connecting line.” See Office Action, pp. 3-4 (citing FIGs. 5, 7 and 9; col. 6, lines 62-67; col. 7, lines 35-67; col. 8, lines 1-34). However, claim 1 recites that the first connecting line bridges or crosses over the second connecting line. Referring to FIG. 5 of VICKERS, for example, it is clear that the green anode stripe 50_G and the red anode stripe 50_R of VICKERS run parallel to one another, thus do not “crossover.” In addition, the Office Action asserts that insulating layer 66 of VICKERS discloses an “insulating structure.” See Office Action, p. 4. However, claim 1 recites that the insulating structure bounds at least a portion of a perimeter of the crossover and insulates the crossover from at least one other crossover. In contrast, while insulating layer 66 apparently insulates portions of an anode strip 50 (see, e.g., FIGs. 7, 9), there is no indication that it insulates at least a portion of the perimeter of the crossover itself.

Accordingly, for at least the reasons stated above, Applicants respectfully submit that claim 1 is allowable over VICKERS, and request withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b).

With respect to CHUMAN et al., the Office Action asserts that second repeating terminal 19 discloses a “first connecting line” and that first repeating terminal 18 discloses a “second connecting line.” See Office Action, p. 5 (citing FIG. 5; col. 5, line 26 – col. 7, line 6). However, claim 1 recites that the first connecting line bridges or crosses over the second

connecting line. In contrast, the first and second connecting lines 18 and 19 of CHUMAN et al. appear to run parallel to one another, and thus the first repeating terminal 18 would not "crossover" the second repeating terminal 19. *See, e.g.*, col. 5, lines 46-48 ("The first and second external repeating terminals 18 and 19 extend in the same direction from one side of the emitting region 100."); *see also* FIGs. 4, 18. In addition, the Office Action asserts that insulating protective film 17a CHUMAN et al. discloses an "insulating structure." *See* Office Action, p. 5. However, claim 1 recites that the insulating structure bounds at least a portion of a perimeter of the crossover and insulates the crossover from at least one other crossover. In contrast, insulating protective film 17a appears to run beneath second repeating terminals 19, and does not otherwise insulate at least a portion of the perimeter of a crossover from at least one other crossover.

Accordingly, for at least the reasons stated above, Applicants respectfully submit that claim 1 is allowable over CHUMAN et al., and request withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(e).

Claims 2-8, 22 and 23

With regard to claims 2-8, 22 and 23, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 1, which Applicants submit has been shown to be allowable over VICKERS and CHULMAN et al., as well as in view of their additional recitations.

35 U.S.C. § 103 Rejection

The Office Action of July 31, 2008, rejects claims 9-15 under 35 U.S.C. § 103(a) as being unpatentable over CHUMAN et al. in further view of VICKERS. Applicants respectfully traverse the rejection because no proper combination of CHUMAN et al. and VICKERS teaches or suggests each and every element of these claims.

As stated in MPEP § 2143, in order to establish a prima facie case of obviousness under 35 U.S.C. § 103, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Without conceding the propriety of the combination of references discussed below, Applicants respectfully submit that the obviousness rejections are improper for failing to meet the ultimate requirement of § 2143. Further, Applicants' silence on certain aspects of the rejection is by no means a concession as to their propriety. Rather, because the applied art fails to disclose at least one feature of the claims, for at least the reasons discussed below, Applicants respectfully submit that the rejection is improper and should be withdrawn.

Claim 9

Independent claim 9 is directed to a method for manufacturing an electrical device, in which a first connecting line crosses over at least a second connecting line, and recites, in part:

"... depositing an insulating layer on said first connecting line and said second connecting line, at least in an area where said crossover is to be formed; creating an opening in said insulating layer in a position where an electrical contact is to be provided between said first connecting line and a connection point; forming an electrically insulating structure peripherally surrounding at least a portion of the area where said crossover is to be formed; and depositing an electrically conductive layer on the insulating layer to connect said first connecting line to said connecting point, which connecting point may be connected to another second connecting line."

Neither CHUMAN et al. nor VICKERS, either alone or in any proper combination, teaches or suggests at least these features.

The Office Action asserts that second repeating terminal 19 discloses a "first connecting line" and that first repeating terminal 18 discloses a "second connecting line." See Office Action, p. 6. However, claim 9 recites that the first connecting line crosses over the second connecting line. In contrast, the first and second connecting lines 18 and 19 of CHUMAN et al. appear to run parallel to one another, and thus the first repeating terminal 18 would not "crossover" the second repeating terminal 19. See, e.g., col. 5, lines 46-48 ("The

first and second external repeating terminals 18 and 19 extend in the same direction from one side of the emitting region 100.”); *see also* FIGs. 4, 18.

In addition, the Office Action does not cite any portion of CHUMAN et al. which allegedly discloses “depositing an insulating layer on said first connecting line and said second connecting line, at least in an area where said crossover is to be formed.” *See* Office Action, p. 6 (identifying FIGs. 14, 15 and insulating protective film 17c only with respect to “forming an electrically insulating structure,” not “depositing an insulating layer”). The rejection of claim 9 (as well as the rejections of claims 10-15 depending from claim 9) therefore fails to comply with a basic tenet of patent examination: “The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” *See* MPEP § 706. Respectfully, Applicants submit that the Office Action does not clearly cite that which the Examiner alleges to teach an “insulating layer” and/or “depositing an insulating layer on said first connecting line and said second connecting line, at least in an area where said crossover is to be formed forming sound-generating means.” Thus, Applicants are left to ponder that which may be considered by the Examiner to be these elements/steps. Clearly, such uncertainty places Applicants in the prejudicial position of having to base a reply on potentially incorrect assumptions.

Therefore, Applicants respectfully submit that the present rejection is improper and should be withdrawn. Moreover, if the shortcomings noted above are remedied in future official correspondence, any such rejections should be provided in a subsequent non-final Office Action.

Accordingly, for at least the reasons stated above, Applicants respectfully submit that claim 9 is allowable over any proper combination of CHULMAN et al. and VICKERS, and request withdrawal of the rejection of claim 9 under 35 U.S.C. § 103(a).

Claims 10-15

With regard to claims 10-15, Applicants assert that they are allowable at least because they depend, directly or indirectly, from independent claim 9, which Applicants submit has been shown to be allowable, as well as in view of their additional recitations.

New Claims 24-28

Applicants respectfully submit that claims 24 and 25 are allowable at least because they depend from independent claim 9, which Applicants submit has been shown to be allowable, and in view of their additional recitations.

With respect to independent claim 26, Applicants submit that it is allowable at least for substantially the same reasons as discussed above with respect to claims 1 and 9, as well as in view of its additional recitations. Claims 27-28 are allowable at least because they depend, directly or indirectly, from independent claim 26.

CONCLUSION

No other issues remaining, reconsideration and favorable action upon the claims 1-15 and 22-28 now pending in the application are requested.

If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted on behalf of:
Phillips Electronics North America Corp.



by: Van C. Ernest, Esq.
Registration No. 44,099

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VOLENTINE & WHITT, P.L.L.C.
One Freedom Square
11951 Freedom Drive, Suite 1260
Reston, Virginia 20190
Telephone No.: (571) 283.0720
Facsimile No.: (571) 283.0740